

**UNITED STATES OF AMERICA
BEFORE THE NATIONAL LABOR RELATIONS BOARD**

**NEW YORK METRO AMERICAN
POSTAL UNION affiliated with
AMERICAN POSTAL WORKERS
UNION, AFL-CIO**

and

Case 22-CB-208563

LUROCK ROSALVA

ORDER¹

The Union's Petition to Revoke subpoena duces tecum B-1-ZUJ75Z is denied. The subpoena seeks information relevant to the matters under investigation and describes with sufficient particularity the evidence sought, as required by Section 11(1) of the Act and Section 102.31(b) of the Board's Rules and Regulations. Further, the Union has failed to establish any other legal basis for revoking the subpoena.² See

¹ The National Labor Relations Board has delegated its authority in this proceeding to a three-member panel.

² The Union's argument that the subpoena should be revoked because the amended unfair labor practice charge is barred by the 6-month limitations period in Sec. 10(b) is without merit. Issues regarding Sec. 10(b) are generally not considered in an investigative subpoena context. See, e.g., *NLRB v. The Bakersfield Californian*, 128 F.3d 1339, 1341 (9th Cir. 1997) ("Like other defenses to an unfair labor practice complaint, a section 10(b) statute of limitations defense is not properly evaluated in a subpoena enforcement proceeding.").

In considering the petition to revoke, we have evaluated it in light of the Region's withdrawal of paragraphs 2(a), 2(b), and 3 of the subpoena, due to the Union's post-subpoena production of information. We further note that the Region has clarified the subpoena to indicate that the individual referred to as "Halameen" in paragraph 2(c) of the subpoena is Haneef El-Amin.

generally *NLRB v. North Bay Plumbing, Inc.*, 102 F.3d 1005 (9th Cir. 1996); *NLRB v. Carolina Food Processors, Inc.*, 81 F.3d 507 (4th Cir. 1996).

Dated, Washington, D.C., May 8, 2018.

MARK GASTON PEARCE,	MEMBER
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MARVIN E. KAPLAN,	MEMBER
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WILLIAM J. EMANUEL,	MEMBER
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